

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Noa Street-Sachs	Team: Squad #8	CCRB Case #: 202004883	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/04/2020 7:30 PM	Location of Incident: 136th Street and Brook Avenue	Precinct: 40	18 Mo. SOL 12/4/2021	EO SOL 5/4/2022	
Date/Time CV Reported Tue, 06/30/2020 2:45 PM	CV Reported At: IAB	How CV Reported: E-mail	Date/Time Received at CCRB Wed, 07/08/2020 11:19 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. Terrance Monahan		876747	
2. AC Kenneth Lehr	00000	891719	PBBX

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: An officer struck § 87(2)(b) with a nightstick/asp/baton.	
B. Officers	Force: Officers struck individuals with a nightstick/asp/baton.	
C. Officers	Force: Officers used physical force against individuals.	

Case Summary

On July 8, 2020, the CCRB received the below complaint from IAB via original log number 20-16193. IAB received a forwarded email from the Bronx District Attorney's Office § 87(2)(b)

On June 4, 2020, at approximately 7:30 p.m., at a protest organized by Take Back the Bronx and Bronxinites for NYPD Accountability in the vicinity of 136th Street and Brook Avenue in the Bronx, police officers on bicycles went in front of § 87(2)(b) and the group of protesters she was with such that their path was blocked. When they turned around and went in the opposite direction, police officers who were on Brown Place went right behind them so they had nowhere to go. At approximately 7:40 p.m., the group began to be pushed from both sides. At approximately 8:05 p.m., officers hit § 87(2)(b) and various civilians with their batons and used physical force against civilians causing them to sustain various injuries (**Allegations A-C:** § 87(2)(g)).

This case involves allegations of kettling and other concerted enforcement actions performed under the command and supervision of the then Chief of Department Terrance Monahan and Assistant Chief Kenneth Lehr. These allegations are being addressed in case 202006855.

§ 87(2)(b) was not arrested or summonsed as a result of this incident. The investigation is in possession of body-worn camera footage relevant to this protest from cases 202004055, 202004094, 202004142, and 202004402 (Board Review 01, Board Review 02). However, none of the aforementioned body-worn camera footage that were reviewed captured this incident and the investigation is not in possession of any additional video footage of this incident.

Findings and Recommendations

Allegation (A) Force: An officer struck § 87(2)(b) with a nightstick/asp/baton.

Allegation (B) Force: Officers struck individuals with a nightstick/asp/baton.

Allegation (C) Force: Officers used physical force against individuals.

Known facts and general descriptions:

§ 87(2)(b)

§ 87(2)(b) stated that on June 4, 2020, at approximately 7:30 p.m., in the vicinity of 136th Street and Brook Avenue in the Bronx, the group of protestors approached the intersection and police officers on bicycles went in front of them, blocking their way. The group turned around and went in the opposite direction, but the officers who were on Brown Place went right behind them so they had nowhere to go. They turned back on 136th Street and Brook Avenue which was when the group moved in tighter and police officers started to surround the group even more. At approximately 7:40 p.m., officers from behind started to push the members of the group to the front and officers at the front started to push them to the back. At approximately 8:05 p.m., officers hit members of the group with batons. § 87(2)(b) was hit in the lip with a baton, causing her mask to have blood all over it. § 87(2)(b) had to hold a man as an officer was hitting him on his back. § 87(2)(b) saw people get their "arms broken" and their "legs broken." § 87(2)(b) saw officers bend peoples' arms and heard bones crack. She saw officers with batons hitting people in their heads and jumping on top of people. § 87(2)(b) did not know any of the victims or witnesses

§ 87(2)(b) confirmed she was not arrested as a result of this incident. § 87(2)(b) was not able to obtain the shield numbers of the officers involved but she informed that she had a photo of the

officer who hit her in the face with a baton, § 87(2)(b) (Board Review 03). The investigation was unable to obtain the photograph.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) filed a Notice of Claim regarding this incident. The investigation obtained the Notice of Claim which was for damages in the sum of three million dollars for physical and/or psychological injuries. Her statement about the incident was consistent with her public testimonies (Board Review 11).

Despite database searches and § 87(2)(b) § 87(2)(b)'s civil attorney, providing the undersigned's contact information to § 87(2)(b) the investigation was unable to reach § 87(2)(b). When contacted about § 87(2)(b)'s 50-H hearing, § 87(2)(b) informed that the hearing had happened but he had not been able to reach § 87(2)(b) to review it with her and was having difficulty getting in contact with her (Board Review 12). § 87(2)(b) was contacted multiple times afterward during which he informed he did not have any update and was unable to reach § 87(2)(b). The investigation attempted to contact § 87(2)(b) via phone and via § 87(2)(b) and on which she wrote about the incident of being hit in the face with a baton (Board Review 18).

BWC:

Body-worn camera footage was not requested for this case because there was a series of cases from within the same protest which had already obtained body-worn camera footage. The investigation reviewed part of the pool of body-camera footage, including from cases 202004055, 202004094, 202004142, and 202004402, which yielded negative results for capturing this incident (Board Review 01 and 02). Investigators assigned to these aforementioned cases reviewing footage of this protest were provided with § 87(2)(b)'s photograph to inquire if they observed § 87(2)(b)'s allegations. To date, these investigators have not identified § 87(2)(b) or the incident.

NYPD Documents Reviewed:

Although Threat Resistant and Injury Reports and AIDED reports are required to be prepared should an officer use force against a civilian or if a non-arrested civilian or officers sustains an injury, they were not prepared for this incident. There were also negative results for summonses for § 87(2)(b) (Board Review 13 and 17).

Concurrent Investigations:

The undersigned spoke with Sgt. Ortiz at Bronx Investigations who was investigating IAB original log number 20-16193. Sgt. Ortiz informed he reviewed approximately one hundred body camera videos and did not see § 87(2)(b) or the incident nor did he hear from § 87(2)(b) upon his attempts to contact her (Board Review 14). The investigation followed up with Sgt. Ortiz who informed that his case was closed and he believe the outcome was “unsubstantiated.” Sgt. Ortiz was unable to identify any of the subject officers or locate any footage that captured the incident (Board Review 19). The investigation requested the IAB case file and it will be added upon receipt.

Ranking Officers:

The investigation determined that the then Chief of Department Terrance Monahan was the highest-ranking officer on scene; he is currently no longer a member of the NYPD.

Officers Interviewed:

There were no officers interviewed for this case.

Allegation Recitation and Disposition:

§ 87(2)(g)
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation.
- On September 1, 2020, the New York City Office of the Comptroller yielded that § 87(2)(b) was filing a claim for damages in the sum of three million dollars for physical and/or psychological injuries (Board Review 11).
- According to the Office of Court Administration (OCA), § 87(2)(b) does not have a criminal conviction history in New York City (Board Review 16).

Squad No.: 8

Investigator: Noa Street-Sachs Inv. Street-Sachs 6/10/2021
Signature Print Title & Name Date

Squad Leader: Patrick Yu SI Patrick Yu 06/11/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date